

**WEST VALLEY CITY
BOARD OF ADJUSTMENT
MINUTES**

April 6, 2011

This meeting was called to order at 6:00 p.m. by Chairperson, Necia Christensen, at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS

Sioeli Uluakiola, Russell Moore, Scott Spendlove, Mark Hales, Sandy Naegle and Necia Christensen

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman and Karon Jensen

WEST VALLEY CITY LEGAL DEPARTMENT

Claire Gillmor

AUDIENCE:

Approximately 1 (one) person was in the audience.

B-1-2010
Bud Eastin
2239 S. Clifford Street

Steve Lehman presented the application.

Bud Eastin, is requesting a non conforming use determination for property located at 2239 South Clifford Street. The property is approximately 1.29 acres in size and is known as lots 25-42 Block 8, Haynes Addition Plat E Subdivision. The applicant is requesting that the Board determine the non conforming use of his property as vehicle storage.

BACKGROUND

WEST VALLEY CITY GENERAL PLAN recommends light manufacturing uses.

As part of the City's salvage yard enforcement, efforts are being made to ensure that property owners storing or using property for salvage purposes obtain a business license. The subject property lies within the 5600 West Overlay Zone. As such, the storage of automobiles is not permitted. The only way for Mr. Eastin to obtain a business license is for the Board to determine that his property is non conforming.

The subject property is located at 2239 South Clifford Street and is presently zoned manufacturing. At the time of West Valley City's incorporation, the subject property was zoned M2. This designation provided for heavy industrial uses and allowed as a permitted use, the storage of automobiles and parts.

The City does have aerial photographs of the Hayne's Addition Plat E Subdivision dating back to 1964. The subdivision itself was platted and recorded in 1889. From the 1964 photograph, there is evidence of roads being cut and storage of vehicles at the northwest corner of the subdivision. Although the property which Mr. Eastin now owns was vacant at the time, there is historical evidence that these properties were going to be used for storage of automobiles and parts.

According to 1980 aerial photographs, the year West Valley City incorporated, the subject property did contain automobiles. As far as the City can tell, the property has continually been used for this purpose since that time. Photographs from various years substantiate this position as well.

ORDINANCE SUMMARY:

Section 7-18-106(1) and (3) of the West Valley City code reads:

(1) All matters regarding the non conforming use of building and land shall be determined by the Board. Upon application, after public hearing on the matter, the Board shall determine if the use or building is non conforming with respect to current provisions of this Chapter.

(3) Non conforming use of Land. A non conforming use of land lawfully existing on the effective date of this Chapter may be continued provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this

Chapter. If the nonconforming use is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

To summarize, the Board of Adjustment is being asked to determine whether the property in question has been used for the outside storage of automobiles subsequent to the City's incorporation. Said property is described as Lots 25-42 Block 8, Hayne's Addition Plat E Subdivision. Said lots run 125 feet east of Clifford Street.

Applicant:

Bud Eastin

2239 S. Clifford Street

Mr Eastin stated that he owned several properties and noted that there has been salvage yards located on this property for over thirty years. At that time, I was looking for a property with M-2 zoning to have a salvage yard. This property was formed in the 1950's and the zoning was changed to M-2 zoning. Mr. Eastin indicated that he used to have several salvage yards on 5600 West and noted that West Valley City had tried to shut his business down. I went to UDOT and the business was not shut down. I had a meeting with the City Manager, Wayne Pyle, and after discussion made a deal and I moved to Clifford Street. The property is being used for open storage, motor vehicles, construction equipment, etc. and automobiles are brought in and parked.

Discussion:

The Board questioned, if the roads located near Mr. Eastin's business were paved.

Mr. Eastin responded that they paved all of the streets except Clifford Street and said that all of his salvage yards have gravel.

Mr. Uluakiola questioned why he moved back to the property.

Mr. Eastin replied that he has 15 storage yards total and after discussions with Wayne Pyle agreed to move the storage back from 5600 West.

Mr. Hales questioned, you stated that you have several other properties...if the non-conforming use is approved, will your other properties have to come before the Board of Adjustment as well?

Mr. Eastin responded that they would not and indicated that it is a pension trust that now owns this particular property.

Mr. Moore noted that a non-conforming use runs with the property.

Mr. Lehman indicated that the City is making efforts to ensure that property owners storing or using property for salvage purposes obtain a business license as part of the City's salvage yard enforcement plans. Mr. Eastin's property lies within the 5600 West Overlay Zone and the storage of vehicles is not a permitted use in this zone. A legal non-conforming use determination would allow the applicant to register the property and to be licensed and would

include open storage for vehicles. West Valley City was incorporated in 1980 and the City has photographs of the property from 1964. The 1980 photographs indicate that the property did contain automobiles and there is historical evidence that these properties were going to be used for storage of vehicles and parts.

Mr. Eastin stated that this property will at some point be sold and the business will be absorbed and noted that this location is the fastest growing area in Utah. Until that time, we are requesting a legal non-conforming use determination for the property so we can obtain a business license.

Mr. Moore asked if the Board had any other questions for the applicant.

Chairperson Christensen asked to be abstained from voting due to a conflict of interest.

There being no further discussion regarding this application, Acting Chairperson Moore called for a motion.

Motion

Mr. Spendlove stated I move that based upon the applicant meeting the non-conforming use criteria that we grant the non-conforming use determination for the property.

Ms. Naegle seconded the motion.

A roll call was taken.

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| Mr. Uluakiola | yes |
| Mr. Moore | yes |
| Mr. Spendlove | yes |
| Ms. Naegle | yes |
| Mr. Hales | yes |
| Chairperson Christensen | - Abstained |

Motion Carries – Unanimous Vote

Approved- B-1-2011- Unanimous

OTHER

The minutes from **August 4, 2010** were **approved**.

There being no further business the meeting adjourned at 6:40 p.m.